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The one great rule of composition is to speak the truth.
—Thoreau

The Texas Observer

We will serve no group or party but will hew hard to the truth as we find it and the right as we see it.

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A Window to the South

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Subversives Panel Asked in House

★ ★ ★ ★

Immediate Aim: 'Enlighten Dupes'

AUSTIN

"If we have a man on the capitol steps calling for the overthrow of the government, that's an overt act and easy to control," Rep. W. H. Miller of Houston told the Observer. "But do we have laws controlling the professor of philosophy who might be teaching treason and sedition covertly?

"The statutes as I interpret them pertain to overt acts. I don't feel we have as much to fear from overt as from subvert acts."

Miller, a new representative, is sponsoring with Rep. Don Garrison, also of Houston and also a freshman, a resolution that could create a Texas Un-American Activities Committee. Miller jocularly calls himself "the liberal's conservative" and Garrison "the conservative's conservative."

After Miller's remarks about the greater dangers of covert subversion, Garrison added:

"I agree. The opponent of such committees as we propose keep screaming free speech. I remember from law school days Chief Justice Marshall said, 'Free speech, yes. Free incitement, no.' "

Garrison said he is disturbed by the attacks on the U.S. House Un-American Activities Committee and the destructive effects that may result.

"I would like to see an un-American activities committee in every state," he said. "Attacks on 50 could not be so effective as on one.

"A committee of this type is in the Texas tradition. After all, this was the first state to outlaw communism.

"I'm actually more worried—of course I'm constantly worried about active communists, too—but I'm more worried about their dupes.

"The committee could serve as a great educational force in the state through publicity given to its activities," Garrison said. "By publicity, I don't mean the headline-hunting business we've been accused of. (Rep. Bob Eckhardt recently denounced the idea of the committee and said, "Men who aren't interested in seeking headlines go to present law-enforcement agencies to get the laws enforced.")

"We need an educational force of this type in Texas. Anyone who has seen 'Operation Abolition' knows it can happen here. Most of the subversive activities—in Japan, in Turkey, in Cuba, in San Francisco—was led and participated in by students.

"In short, the committee can obviate the possibility of Marx's statement that Russia will never have to go to war with this country, that they can defeat us by throwing their hats at us and walking right in," Garrison said.

"We on the Gulf coast are aware of a great deal of subversive literature coming across the border.

"The kind of man I would like to see on the committee is the walking-on-eggs type. He would be careful. He would be less interested in making a name for himself than in preserving the individual's rights," Garrison said, adding, "It is so easy to defame. And it has been done by this type investigation."

Miller agreed. "I'm out for the hate groups," he said. "One reli-

(Continued on Page 2)

BROKEN JAVA BREAK

AUSTIN

The abolition of the coffee break in Commissioner Jerry Sadler's land office has worked out fine, Sadler says. "Everybody's happy. Some of 'em tell me they're feelin' better."

Any of his 187 employees who are not feeling better could hardly let Sadler know about it, however, unless they had plans for another line of work.

"So far there hasn't been any complaint," he told the Observer. "If there had been, there would have been a vacancy created on the staff. It's very strict, no exceptions. Anyone who took a coffee break—they'd be a break entirely."

He had also ruled out all coffee-making on the job. The only relaxation in the rule: "They can bring a thermos." He says about one tenth of them do this now.

Sadler has a 706-acre farm near Hickory Grove in Anderson County. "Up on the farm," he says, "I got to work at daylight and I worked until sundown. After I opened up my law office in town, I worked on the farm from sunup until about 9 a.m., went into the office until about noon and then returned to the fields. This coffee break business has gone too far."

He was working on his farm last Saturday at daybreak, and he would be again Saturday, Jan. 21, he said this week. At the land office, he says, he gets up at four or five in the morning and takes work home with him. "I never took a coffee break in my life," he declares.

"It wouldn't be so bad, it's supposed to be 15 minutes morning and afternoon, but the dickens of it is, when they get 15 minutes, the folks don't come back, you know . . . eight hours, a 40-hour week, that's all they're workin'. An hour off for lunch, four hours in the morning, four hours in the afternoon. If they want to keep their jobs, they'll work all 40 hours."

He has received 250 job applications in the last six months. Will he be replacing many of the 187 people now working for him? "It'll depend," he says. "Those can do the job and what not, they'll stay. I think the best politics in the world is efficiency. I have some efficient people here, and if they'll be efficient, why I'll do all the politickin'."

Price's Choice: Payroll Levy, Deficit Plan

AUSTIN

Gov. Price Daniel proposed retiring the state's $63 million deficit by a temporary three percent increase in the natural gas severance tax, a franchise tax aimed at the larger interstate corporations, an abandoned properties bill, and a change in general revenue financing of the rural roads program, but in facing a new revenue need of $103 million a year for the next biennium he dealt chiefly in alternatives.

Included in his recommendations to a joint session of the legislature Wednesday was a $50 a semester increase in college tuition.

In his permanent revenue proposals, Daniel offered the one percent payrolls earning tax brought forth by his advisory finance commission **as a means of raising over $100 million annually.**

Daniel

But the governor's endorsement of the payroll levy could hardly be called vigorous. Quick to suggest an alternative, he suggested the advisory commission's second-choice plan of increases in present selective sales taxes on some items and new taxes on others. This would include one-cent sales taxes on gasoline, beer, and soda pop; an increase in the car sales tax; a two percent levy on boats, motors, household appliances, jewelry, watches, business machines, and home and office furniture; three percent on restaurant meals; and seven percent on liquor.

Daniel said he was recommending the advisory group's two plans "in the order of their presentation" to him. "I will support and work for either of them that receives the widest acceptance in the legislature. If any of you has a plan which receives wider acceptance, short of a general sales tax or an income tax, I will work for and support that plan."

"The phenomenal growth of our state is largely responsible for the fact that we need additional revenue," he argued. Texas population growth has increased 23 percent in a decade and 80,000 additional children enter public schools each year, he said. "Business and industry continue to expand. Even with a slight recession, our industrial output increased in 1960."

Only those states which are losing population "have escaped fiscal problems comparable to ours," Daniel said. "Our overall fiscal situation is better than com-

(Continued on Page 3)

Early Proposals On State Taxes

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Eckhardt's Four-Part Pack

AUSTIN

While Gov. Price Daniel seeks recruits to sponsor his tax programs in the House, two major alternatives are being brought into shape: one by Rep. Bob Eckhardt, liberal from Houston, another by Rep. Maco Stewart, moderate - liberal from Galveston.

For the moment there is a hushed quiet among conservatives on definite tax proposals. This time last session Frates Seeligson of San Antonio had already begun drumming support for a 1.5 percent general sales tax. But Seeligson has not returned, the ranks of the sales-taxers were hard hit in the May primaries, and there is little chance that a general sales tax will be openly advocated this early.

Whether the House conservatives will rally at some point behind the governor's "alternative" proposal of broadened selective sales taxes, try to bring a tax plan of their own out of committee, or fight diligently against all tax programs in an effort to stall and bring pressure for a broad-based tax remains now to be seen, depending largely on the Speaker James Turman's revenue and tax committee appointments. If the composition of revenue and tax reflects an approximate balance of power, the House may see an unusually wide variety of tax bills.

Eckhardt's tax package will include a graduated oil production tax for $36 million for the biennium, a tax on stocks and bonds dividends for $54 million, a dedicated reserves tax on natural gas for $75 million, and a corporate nets profits tax coupled with repeal of the business franchise tax, estimated to raise $30 million more than the present franchise tax.

what Eckhardt calls a "very con-
what Eckahrdt calls a "very conservative" estimate of about $20 million which would be collected under Daniel's abandoned properties legislation, would net the state about $215 million for the next two years, a figure which "compares favorable to broad-based proposals," he said.

Eckhardt said that anyone who opposes the governor's program should be willing to come forward with "sound alternatives." His tax package, he believes, would make the state tax structure "more equitable—or certainly less inequitable." He could not in fairness advocate them, he said, unless he thought each of them accomplished that purpose.

Eckhardt's graduated oil production tax, similar to a bill he introduced in the last session, would draw $36 million in the next biennium from the 20 largest of the 6,000 oil producers in Texas. The royalty share from the tax would be exempted.

He would increase the present oil production tax from 4.6 percent to five percent for firms producing 700,000 to one million barrels a month, six percent from one to five million, and seven percent for more than five million. "All this does is recognize the tremendous advantage in general reserves, in sales position, in cheap imports, and in every other monopolistic advantage that the very large oil companies have over all the others," Eckhardt said.

His stocks and bonds plan would levy a state tax on dividends, tied to remission, perhaps by constitutional amendment, of any local tax liability on them. He said he has checked with the Harris County tax assessor and discovered that "not one penny" local ad valorem tax is paid on stocks and bonds. This is the general situation around Texas, he said.

Collection of a state tax would be made simple by using a copy of the federal tax form sent out each year. Dividends "are just as strong a base from which to

Eckhardt

make earnings as any other kind of property," he said, yet ad valorem taxes are not being collected as they are on other forms of real property. He would include "certain exemptions up to minimal figures of earnings."

Dedicated Reserves

Eckhardt's dedicated reserves tax would apply an "inverse ratio" to the price of natural gas purchased under long-term dedicated contracts. "The bite," he said,

(Continued on Page 8)

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A Pointed Refusal

AUSTIN

Five members of the Bexar County delegation refused Friday to vote for a congratulatory resolution honoring Rep. Marshall Bell of San Antonio as dean of the House, for outstanding service since 1942.

The Bexar liberals, Franklin Spears, John Alaniz, Stanford Smith, Jake Johnson, and Jim Barlowe, recorded themselves as "present but not voting." A sixth member from San Antonio, Red Berry, voted in favor of the resolution. Bell is a veteran conservative.

"We didn't want to embarrass him by opposing the resolution," explained Spears, who did not join in the standing applause. "We don't agree with that evaluation of the caliber of his service. We wanted to make our position clear. His friends did this, of course, to try to impress people that Bell speaks for San Antonio."

Second Week: New Bills

AUSTIN

Bills that ranged in goals from the outlawing of drunk dirigible pilots to the regulating of small loan companies continued to plunk into the hopper or be vigorously talked about (usually well within earshot of the press), but with the exception of passing one bill, the state legislature moved toward its second week at a listless pace, waiting for committee assignments to be completed, and Speaker James Turman indicated he may not be through with the line-up for another week.

The bill that did get through both houses and signed into law by Gov. Price Daniel was the pay raise the voters approved for the legislature ($4,800 a year and $12 a day expenses). In the Senate, Doyle Willis of Fort Worth suggested that since they would be cutting appropriations for hospitals and schools and roads, the senators should start cutting closer to home and give themselves only $3,600 a year, but Senator Culp Krueger of El Campo was the only no vote in that house.

Around the state, newspapers for the most part greeted the pay raise vote with silence, but the San Antonio Express twitted the lawmakers for taking up their own pay first ("There is something indelicate about haste just for the heck of it. Besides, the gentlemen haven't done much work on the big problem facing them this year, to wit, where is the money coming from?") and the Houston Post admonished them to earn their pay by voting "the money needed for all other state officials, works and agencies, and for all those dependent on them for money."

As for the payroll tax plan Gov. Daniel offered, it evoked no elation from the legislature and—as among the Dallas legislators—sometimes downright opposition. Dallas members, probably the most conservative element in the legislature, indicated a broader-based tax would come closer to pleasing them.

The usually-bland Austin Statesman told the legislators:

"The grim fact is that almost everything tappable has been tapped, except to make more onerous in relation to others the burden of little people, who have little or no defense and cannot get up the money to employ their own lobbyists."

The Observer checked with the writer of the Statesman's editorial to be sure it got the implications correctly and was told, "Yes, we do mean that the legislature might cast a look at the oil and gas interests instead of the little man."

A week ago Speaker Turman told the Observer he meant to appoint the committees with extreme care, so that each committee "would reflect the entire House." He said he wanted every committee to really act as a "screen," so that "the bills that do get through will have more reasonable treatment on the floor than they otherwise might have."

His care emphasized the slowness of the process of session-launching and again prompted occasional off-the-cuff suggestions among lawmakers and observers for something on the order of a special pre-session, in which the organizational routine could be gotten out of the way.

One of the more important bills facing future debate was introduced by Rep. Criss Cole who, in sponsoring the constitutional amendment designed to kill the interest ceiling on small loans in the last legislature, promised to come back with firm regulatory proposals in 1961. This week the Uniform Small Loan Law.

In the matter of interest rates, Cole suggests three per cent a month for the first $99; 2.5 per cent a month for loans of from $100 to $300; two per cent on loans of $301 to $600, and five-sixth of one per cent on loans over $600. This is the so-called "36% law" (36% a year on loans up to $100).

University of Texas finance experts, shown the suggested schedule, said it "looks about right, compared to what has been done in other states. The three per cent rate on the first $99 was called "quite common." As for the other end of the scale, the five-sixth of one per cent compares favorably with even the UT Credit Union's charge of three-fourths of one per cent on auto loans.

The bill also requires state licensing of small lenders.

Among other bills that fell into the hopper or fluttered on the edge were these, which would:

★ Pass on the cigarette tax to the consumer in such a way that he could deduct it from his income tax. (Parsons, Henderson)

★ Provide penalties for flying an airplane, dirigible, or balloon while drunk. (Smith, San Antonio)

★ Provide penalties for selling switch-blade knives, "the status symbol of a punk." (Johnson, San Antonio)

★ Increase vehicle license fee by $1, to be spent on state parks. (Mullen, Alice)

★ Provide penalties for offering pornography for sale, whether or not the seller knows it is pornography, with graduated penalties for various types of violation. (James, Dallas; Miller, Houston)

★ Make false statements under oath before legislative investigating committee constitute perjury, but no penalty specified. (Miller, Houston)

★ Require construction companies to use only USA-made material on state contracts, with violators banned from state contracts for three years. (Cory, Victoria)

★ Limit governors to one four-year term. (Parkhouse, Dallas)

★ Abolish common law marriages, but leave alone those already established. (Jarvis, Tyler)

★ Negate divorces obtained out-of-state if both parties are living in Texas when proceedings started. (Haring, Goliad)

★ Establish labor mediation board for jurisdiction in disputes that effect public welfare or when either party or governor calls it in. (Harrington, Port Arthur)

★ Require minimum of 180 days schooling a year, as against present minimum of 120 days. (Spears, San Antonio)

★ Allow state-paid minimum sick leave of five days a year, cumulative to 30 days for all public school teachers. (Spears, San Antonio; McGregor, El Paso; Stewart, Galveston; Trevino, Laredo)

★ Raise penalty for murder without malice from two-to-five years to two-to-25 (Floyd, Houston)

★ Limit the percentage of alumni on state school governing boards to two-thirds. (Dewey, Bryan)

★ Protect newsmen from legal pressure to reveal source of information when testifying. (Dewey, Bryan)

★ Keep voting polls open from 8 a.m. to 8 p.m. in counties with population of 500,000 and up. (Floyd, Houston)

☆ Require legislator to be retained at least 60 days prior to tory continuance of a pending suit. (Haring, Goliad)

★ Set state health standards on milk imported into Texas. (Cory, Victoria)

★ Authorize special school districts to provide training for handicapped persons. (Pipkin, Brownsville; Spilman, McAllen; Murray, Harlingen)

★ Protect doctors from civil damage suits who administer aid in "good faith" at scene of accident. (Miller, Houston)

★ Establish Pan American University in Hidalgo County as state school. (De la Garza, Mission, et al)

★ Require majority vote to win election for U.S. House, instead of present plurality. (Green, Fort Worth, et al)

★ Make Dept. of Public Welfare responsible for finding fathers who desert children, thus slashing amount state pays for dependent children. (Jarvis, Tyler)

★ Increase amount from clearance fund to Blind Assistance Fund and Old Age Assistance Fund. (Hollowell, Grand Saline; Roberts, Hillsboro)

★ Make these rules in divorce suit: no hearing short of 60 days after filing, no defendent compelled to answer on oath, either party can demand and get jury, divorce not in effect for one year. (Haring, Goliad)

★ Submit to ballot as constitutional amendment law making it possible for people to oust officials in special elections, if corruption warranted move. (Whitfield, Houston)

★ Require motorists to prove financial responsibility before accidents rather than, as now, after accidents. (Lewis, Dallas)

★ Establish day schools for deaf children in Dallas, Harris, Tarrant, Bexar, and El Paso counties to permit many now in the Austin deaf school to study closer to home. (Parkhouse, Dallas)

★ Set up a medical assistance fund for vendor payments to aged welfare recipients for medical treatment, providing up to $12 a month. (Markgraf, Rockwall)

★ Allow 15 and 16-year-olds to be prosecuted as adults when juvenile officer and juvenile judge both agree on action (Speers, San Antonio)

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The Inside Story

AUSTIN

The Observer can describe how Jerry Holleman, president of the Texas AFL-CIO, became one of the assistant secretaries of labor in the Kennedy administration.

On Wednesday evening, Jan. 4, Arthur Goldberg, the new Secretary of Labor, George Meany, president of the national AFL-CIO, and other U.S. labor leaders met in Washington and discussed whom they wanted for the rest of the top labor department team. Holleman was one of the two (not three) assistant secretaries they agreed upon.

Neither Senator Lyndon Johnson nor Senator Ralph Yarborough was consulted. Goldberg telephoned President-elect Kennedy and told him whom he wanted; Kennedy said all right.

Thursday, however, Goldberg called Yarborough and consulted with him about Holleman. Yarborough approved the appointment at this point.

Goldberg next telephoned Holleman in Austin by long distance and told him of his appointment. Holleman, who had not asked anyone for the appointment but was not surprised by it, agreed to accept.

Goldberg had not yet consulted Johnson. He told Holleman that he was going to do so next, and Holleman, Goldberg said facetiously, could expect a call from Johnson within the next thirty minutes. In fact, however, Johnson did not call Holleman thereafter, and had yet to communicate with him late last week.

Holleman departed for Washington last Tuesday. He regarded himself as independent of politicians and is prepared to quit his new job if he is not permitted to do something with it.

His specific area of authority will be employment security. However, Goldberg is expected to call "team" consultations on all major decisions. For example, Holleman's belief that U. S. migrant farm workers should be extended the same minimum wages, insurance, housing and health minimums, and other protections guaranteed to Mexican "braceros" working in the U.S. under international contract will be factored into the decision of the department on what to do about this issue.

Holleman's assignment to the employment security area means that he will have authority over the federal aspects of the activities of the Texas Employment Commission, toward whose policies he and the Texas AFL-CIO have been sharply critical for a number of years.

It became generally known over the weekend that a contest for the presidency of the Texas AFL-CIO has developed between Fred Schmidt, secretary-treasurer of the state organization, and H. S. (Hank) Brown, president of a new association of the state building trades and formerly education director of the state AFL-CIO.

Subversive

(Continued From Page 1)

gious group I mean to get at the first rattle out of the box teaches hatred for Catholics.

conservative, ultra-patriotic.

"Many organizations are joined by people who consider themselves ultra-conservative. When you get right down to the core of the organization they've joined, it's not conservative at all but merely an organization to foster hatred.

"A hate group serves only one master, and that isn't America."

Miller looked pained at the mention of Robert Nesmith, the ex-Constitution Party candidate who came to Austin recently and called Franklin Roosevelt, all liberals, and the present government "communistic." Said Miller: "Nesmith couldn't have done us more harm than he did." B.S.

Bills Planned

Pornography Hit

AUSTIN

Rep. W. H. Miller has introduced a bill that would make criminal the mere possession for sale of such items as pornographic movies, magazines, penny arcades and phonographic records, whether or not the seller knows the items are naughty.

"There have been a rash of prosecutions, but all convictions for the sale of pornography have been reversed on the 'knowledge' clause," Miller said. "The bill we are introducing would keep the law just as it is now except the seller would not have to have knowledge of the pornographic quality of his goods to be guilty. Just offering the goods for sale would be enough."

Miller said there are two types of crimes: the crime that is "malum in se," evil in itself, and the crime that is "malum prohibitum," a prohibited evil, and "We're just trying to get pornography moved down from 'in se' to 'prohibitum'."

"Why shouldn't possession alone be enough? It's enough for heroine, itsn't it? It's enough for marijuana, isn't it? Why shouldn't it be enough for dirty pictures?"

If passed, Miller's bill might encourage campaigns such as saw 34,000 Houston Boy Scouts checking magazine stands late in 1959, with the blessing of the mayor and the chief of police.

Austin, earlier in the year, was the scene of an organized pressure crusade to get magazine stands to remove the racier "magazines for men" from their shelves.

Rep. Tom James, Dallas, reportedly is preparing legislation to clarify the definition of "pornography."

Budget from the Board

(A detailed study will appear in next week's issue.)

AUSTIN

The Legislative Budget Board released a budget this week calling for $356 million from the general revenue fund and a record-breaking $2.48 billion spending program including federal funds. The board's general revenue figure was $20 million less than Gov. Price Daniel's proposed $376 million, but the overall total including the federal money was about the same as the governor's.

The budget board is composed of five senators and five representatives, and its proposals are generally taken as a base from which to devise a spending program.

The $2.48 billion would mean an increase of $96 million in present state expenditures from all programs.

Over half the proposed $36 million in new spending from the general revenue fund would go toward education—$15 million extra for $148 million in biennium spending. The second largest increase was $12.3 million for hospitals and special schools—$103 million in all.

The administrative and executive agencies would get $3 million more from the general revenue and $35 million more from other funds.

Specific recommendations included a $7.5 million increase for state prisons; including $4 million for new buildings; 30 additional parole officers for the board of pardons and paroles at a $38,000 cost; $700,000 for construction of new state parks facilities as the first step in a ten year program; a $800,000 hike for the board of water engineers for additional personnel and studies; $1 million more for the state health department; and a $2.2 million increase for the department of public safety, including 50 additional highway patrolmen each year.

The budget figures did not provide for additional spending which would be required for a teachers' pay raise and the federal-state medical aid program for the indigent aged.

The board did not propose increased student tuition for the next two years.

Tuition Hike Supported

Alternative: Selective Taxes

(Continued From Page 1)

parable states only because we have not previously been called upon to resort to the broad-based tax potentials which most of them have employed for years." Only eight states have lower total general revenue expenditures per capita than Texas and only ten have lower per capita taxes, he said. Texas could collect $500 million a year in additional taxes if it used all the sources employed by most states.

People in Texas are better apprised of the financial needs of the state than they were two years ago, Daniel said. "They will strongly support our disposition of the problem without the costly delays and bitter wrangling which occurred in these chambers two years ago."

Most of his recommended increases in permanent revenue "are in the programs most affected by the increase in population—schools and colleges, public welfare, highways, hospitals, and correctional institutions," he said. These increases, he added, were not made boldly, but are 49 percent less than the requested increases made by the various state agencies. "I would certainly welcome their reduction if the legislature could find this possible without decreasing the efficiency and adequacy of the services rendered . . ."

To retire the $63 million deficit, Daniel proposed:

● Enactment for 12 months of an additional 3 percent tax on the value of natural gas produced in Texas, "with credit of such additional payments on the presently contested severance beneficiary tax on companies liable for both."

This would permit the state to receive $22.5 million in the next year to apply on the deficit while the severance beneficiary tax, passed by the last legislature, is tied up in court. The three percent increase would hike the present gas production tax to ten percent. Daniel said he is convinced most of the increase would be passed on to the pipeline companies, "whose purchase contracts call for payment of from one-half to seven-eighths" of tax increases.

Daniel cited former Gov. Allan Shivers' support of successful gas production tax hikes. He said the same plan has "worked well in Louisiana, where the natural gas tax is much higher than ours," and at the Louisiana rate Texas would have collected $50 million on natural gas during the past year. The Louisiana legislature, he said, passed the production tax after gas companies had taken a pipeline tax (on the severance beneficiary principle) to the courts.

● Adopt a two-factor formula for taxing corporations in interstate business, to yield $10 million during the first year. This proposal, similar to a Daniel-backed bill in the third special session in 1959, would mainly hit foreign corporations which "sell outside the state most of the products from their Texas capital and business." Only Texas and Washington, Daniel said, provide such a "tax haven" for the large interstate companies. He cited one interstate gas pipeline company which has $7 million in capital in Texas without paying the corporate franchise tax.

● The Colson-Brisqoe farm-to-market program should be financed out of present gasoline taxes rather than the general revenue fund, relieving the fund of a $15 million annual drain. Daniel said the rural roads program was set up in 1949 when there was a $75 million general fund surplus and when there was only $5 million for farm-to-market roads in highway department funds. "Today there is no money in the general revenue fund and $35 million a year in highway department funds available for the farm roads."

Noting an "alternative way" to make even more money available for farm-to-market and other roads, as well as provide $16 million additional revenue for public schools, Daniel offered a one-cent increase in the gasoline tax. The present state gasoline tax is next to the lowest in the nation, he said. The recent federal one-cent tax expires in July. "If Texas and other states show their need for this tax, I believe extension of the federal tax can be defeated," he said.

● Abandoned properties legislation similar to previous proposals (and defeated in the '59 House) would bring in an estimated $17 million as soon as it is enacted. Daniel argued that his new bill "is so clearly limited to enforcement of the present escheat law . . . and collection of money which properly belongs to the state that it is inconceivable persons or companies holding such funds could in good conscience oppose the measure."

These four proposals, Daniel said, would net $64.5 million and retire the deficit within 12 months.

The governor then added that there are "other emergency measures" which could be substituted, "including a one-year increase in all state taxes which were not increased last year."

Permanent Taxes

Daniel said his proposed $376 million budget included recommendations for a juvenile parole system, medical aid for the indigent aged, and a $600 increase in teachers' salaries. He said Texas now ranks 32nd in teaching salaries and that 10,000 new teachers a year will be needed.

"Public education is one of the most important responsibilities of state and local government," he said. "Operation of our public schools is the last bulwark of local self-government. Those who desire continuation of our present system . . . should be willing to provide necessary financing from state and local funds rather than from . . . general federal aid."

The governor then discussed the advisory commission's payroll tax, which would be "easier to collect, less expensive, and less burdensome on both individuals and business than either a general retail sales tax or a graduated state income tax."

The tax would be shared equally, after a $1,000 deduction, by the employee and the employer. Self-employed businessmen, lawyers, doctors, farmers, and others would pay the levy after deducting cost of operations and would also get the $1,000 exemption.

The alternative tax program of selective sales taxes would yield about $225 million in the ensuing biennium, compared with the estimated $217 million from the payrolls tax.

Among the governor's policy proposals: enactment of 25 recommendations made by his law enforcement study commission in 1959, including a lowering of the age at which juveniles can be tried as adults and a general strengthening of criminal statutes; expanded programs for the mentally ill; legislation to implement the constitutional amendment on loan sharks with strict supervision; adequate financing of the tourists and industries program; equal rights for women; and an increase in the $28 maximum for unemployment compensation payments.

W.M.

Liberals Split

Tussle Underway For Vacated Seat

AUSTIN

As the Senate race entered the stage of attrition — of rumor, charge, counter-charge, accusation, and innuendo—Texas liberals became increasingly worried that not only would their vote be disastrously split between Sen. Henry Gonzalez and Maury Maverick but that hard feelings between the two would damage the liberal cause on a long-term basis.

Gonzalez has pounded hard on the theme that Maverick reversed himself, coming into the race after giving assurance he would not. Maverick said this is not true, and reports also continued to circulate that Gonzalez entered the race over the objection of liberals who wanted Maverick on the theory that Gonzalez would be too weak in East and North Texas.

This week Gonzalez said that "powerful" forces were trying to tempt him out of the race with administrative and foreign service offers. The man whose conversation prompted this statement from Gonzalez turned out to be John A. Flores, a former Viva Kennedy leader, who said it was "unsportsmanlike" of Gonzalez to reveal the conversation, adding that he does not think Gonzalez can win.

In a statewide television broadcast, Maury Maverick pledged his support to President Kennedy's New Frontier program, including these planks which Maverick mentioned specifically: Aid for depressed areas, many of them in Texas; medical care for the aged through the social security program; increasing minimum wage to $1.25 an hour and extending the coverage; federal aid to public schools for construction and teachers' salaries; legalization of common site picketing.

Joining the Senate race this week was Rep. Wesley Roberts of Lamesa, a former Baylor University football star now in his third term in the Texas House, who said he doesn't view the Senate race as "another step in a preconceived political calendar."

As the state GOP executive committee switched leadership from Thad Hutcheson of Houston to Tad Smith, 32, of El Paso, Republican leaders saw victory for John Tower if he could win only half the votes he polled in the regular election, and vowed to "rip the hide off Ralph Yarborough in 1964," with Hutcheson already a half-way candidate for that race.

Between Sen. Bill Blakley and Tower there seems to have sprung up a tug-o-war over the appellation "true conservative." Tower again asserted this week that he is the only real conservative in the race. He said Sen. Barry Goldwater of Arizona has promised to campaign in the state in his behalf and that Richard Nixon said he would, too, if he had time.

Blakley again said he wasn't backing Kennedy's program as a whole but would "look at the merit of each matter."

Tower and his supporters seem to be concentrating their immediate assaults not only on Blakley but upon Atty. Gen. Will Wilson, another candidate. Their object is no doubt to chip away at the conservative wing of the Democratic fold, Wilson probably being more conservative than the other leading moderate, Rep. Jim Wright.

The World in Headlines

Your Money's Worth
Spread of Stock Ownership
Is Antidote to Communism
—Houston Post

★ ★ ★ ★ ★ ★

Soundings on Texas Water

AUSTIN

The dimensions, but not the solutions of "the water problem" in Texas are provided by a water study committee of the Texas Legislative Council.

Made public as the legislature convened, the Legislative Council's report noted that the legislature has remarked on the problem of financing the work of the state board of water engineers, but the five legislators on the study committee said the "multiplicity" of interested agencies made an estimate of the board's financial need too difficult for them to undertake.

Asked in 1959 for a study of financing the state board, they recommended this month that "an appropriate state agency or private research group" be asked to make a comprehensive study of the overall water problems of the state and means for financing a coordinated program.

The study committee were Rep. R. A. Bartram, New Braunfels, chairman; Reps. Franklin Spears, San Antonio, and Will Ehrle, Childress; and Sens. Neveille H. Colson, Navasota, and Bruce Reagan, Corpus Christi. A majority of these five are considered "conservative."

They noted that Governor Daniel's 200-member state water committee is expected to report this May "on the completion of a statewide water plan," including reorganization of the board of water engineers, better financing of the board, and changes in law to make financial aid programs more flexible and provide more state aid to local projects.

The U.S. Study Commission—Texas, a federal agency, will also report, "possibly in mid-1961," on water development proposals "of major consequence to Texas," the legislators said.

Nine state agencies are directly charged by law with water responsibilities, the study report said—the state board of water engineers, Texas water development, Texas state soil conservation board, and water pollution advisory council; and the department of health, game and fish commission, railroad commission, state parks board, and general land office.

bilites with respect to dams, recreational potentials, watershed protection, and flood prevention projects upstream, pollution control (surface and underground), water rights, local water districts, and overall planning.

Texas has entered into four compacts with other states to preserve and fairly "divvy up" the waters in the shared rivers—the Rio Grande Compact with

These agencies have responsi-Colorado and New Mexico; the Canadian River compact with Oklahoma and New Mexico; the Pecos River compact with New Mexico; and the Sabine River compact with Louisiana.

The study commission stated, without comment, that "the federal government has undertaken either directly or indirectly in Texas such varied water projects as improvement of navigation, flood control and prevention, drainage, soil conservation, water conservation, generation of hydroelectric power, recreation projects, public health and sanitation, prevention of salt water intrusion, fish and wildlife preservation, irrigation for reclamation, silt control, provision of water supplies for municipal and industrial uses, comprehensive study of water problems, determining, appraising, and describing surface and ground water resources, sewage treatment, (and) water pollution."

Twenty federal agencies are involved—the agricultural research administration, bureau of agricultural economics, forest service, soil conservation service, corps of engineers, bureau of census, coast and geodetic survey, weather bureau, bureau of mines, bureau of reclamation, fish and wildlife service, national park service, bureau of Indian affairs, bureau of land management, geological survey, southwest power administration, international boundary commission, public health service, federal power commission, and U.S. study commission—Texas.

There are more than 500 local water districts which fall into "16 types," the largest type being water control and improvement districts. These districts variously make rules for conserving and recharging underground reservoirs, issue permits for drilling wells, require reports on wells, and conduct research on ground water.

There are, the study report continued, twelve river authorities in Texas which are "governmental agencies, bodies politic and corporate, and vested with all the authority as such." Most of them can formulate plans for controlling and storing surplus waters in their respective rivers and tributaries. Some of them also have powers over the water rights of people in different parts of the watersheds.

How can a water program be financed? To that the committee has no answer—only six proposals they had heard:

Give all fees it collects to the board of water engineers (a trivial $16,000 in 1958-1959);

Levy a tax on water, that is, "on the use, storage, and consumption of ground and surface waters in Texas" (about which idea the committee commented, "Problems would arise . . . especially in the administrative and enforcement areas");

Use general tax revenues;

Pass a "small" state property tax;

Pass "a small increase" in the hunting and fishing licenses for some parts of the program;

Use revenues from the sale of state-owned sand, shell, and gravel.

In his address to the legislature Wednesday Gov. Price Daniel proposed enactment of a set of recommendations made by the water development board, including a $10 million increase in the present $5 million limit on state aid to local projects, re-organization of the state board of water engineers and increased appropriations for it, establishment of a special committee on pollution, and a study into the feasibility of charging water use fees to help finance state programs.

Let those flatter who fear. it is not an American art.—Jefferson

Alternatives to Regression

The Tax Proposals -- Price Passes the Buck

Sitting in the House this week to hear our governor go through the motions of his third tax address, listening along with the others in a chamber as silent and cold as a mausoleum, we noted that he seemed a little tired and a little plaintive. Perhaps he had been too badly bruised by his off-again-on-again fights with the big lobbies in the last session; or perhaps he despaired of his own leadership; or perhaps, confronting again in what may be his last term the awesome project of getting the money, he simply did not know what to do.

It is patently clear, however, what he *did* do: he made it plain, in the rhetoric of one House veteran, "that he'd leave us alone to chop our necks off down here to get a tax bill, and just wait and see what we can come up with."

On permanent revenue he said, in essence: "I've got an idea here some of my advisers came up with (the payroll tax.) I'll go along with it, but if you don't want to, here's the other idea they suggested (more selective sales taxes all down the line), or you may want merely to raise every tax ten percent for a year: I'll take anything except a sales tax or an income tax, so please see what you can come up with, and if you want to slash my appropriations budget, even though it's not very bold, well, go ahead.

In the process of being so ambivalent, our governor outlined several sound proposals; he also suggested a long catalogue of sharply regressive measures which the House should scotch without hesitation. The $50 increase in student tuition goes against the whole trend of modern society; the "alternative" plan spawned by the business-dominated advisory finance commission, a neat little package of selective sales taxes on gasoline, beer, soda pop, furniture, cars, restaurant meals, would, if passed, open the floodgates next time to taxes on everything from lemonade and diapers to footpowder and green onions. Let there be no doubt here: if the big lobby can get such a thoroughgoing program this time as the total tax bill to emerge from the session, you'll never stop them.

I

The first part of Daniel's proposals, the emergency retiring of the deficit, generally deserves the energetic support of every responsible member in the House; it should provide a base for a vigorous liberal-moderate coalition early in the session. It is sound strategy to get a deficit tax bill fast. If the Senate stalls, send someone to the microphone every day and ask what has happened to the tax bill; show the people what that distinguished joint stock company is up to. This was Daniel's hope in the last session: the bottleneck, of course, was a speaker who threw in with the Senate, stacking every tax committee within hearing distance of the Balcones Fault. This time, we fervently hope, the case may be different.

Daniel recommended a four-part deficit program. The bankers will no doubt return in force to try to muzzle the escheats bill, crying *socialism* and *confiscated property* and all the other red-letter words in the tory lexicon. The facts are simple: the property rightfully belongs to the state by law, 36 other states use this tax method, it has been endorsed by that dangerous brotherhood of fabians, the American Bar Association, and it was established in firm principle by that famous bolshevik, William the First.

His proposed financing of the rural roads out of highway department funds rather than from the general revenue funds, thus relieving the latter of $30 million every two years, involves not one penny in reduction of the farm-to-market program so dear to rural hearts; it would simply create a way of financing it out of the immensely wealthy highway department, a vertible grand duchy in the middle of our greater province. Daniel's alternative proposal to raise another penny on gasoline should be stymied. As Daniel himself said, the general fund is broke and there is an annual $35 million in highway department funds earmarked and available for the farm-to-market roads; the plan to take the drain off the general fund is far more fair and sensible.

The governor's franchise formula to fall on interstate corporations, some with property and operations 100 times as large as Texas-owned companies but who are still paying less in franchise levies than our domestic firms, deserves serious consideration in the emergency retiring of the deficit. But there is a more reasonable and intelligent alternative: repeal of the franchise tax altogether, to be replaced by a corporate net profits tax, which is even fairer to home-owned industry, and a more just levy on corporations in general. The net profits tax would remove the franchise principle farther from capital and place it more directly on earnings—where it should equitably reside.

Although the gas lobby will undoubtedly treat us to an encore of their pained genuflexions of two years ago over Daniel's proposed increase in the natural gas production tax, we must not lose sight of the fact that a flat production tax evades one of the most basic issues of them all here in the colonies. For years Texas production has been dominated by the colossal giants, the truly great wealth is being made by the pipelines, and our natural resources in Texas are being drained right out from under us while the state receives no equitable return on the natural wealth it is losing every day. The flat production rate is the easiest tax in the world to pass on to the consumer, be he Texan or non-Texan. The House should seriously consider foregoing the increased production tax and fighting again for a levy that, in providing another constitutional approach to the severance beneficiary tax, would tax the wider profit margins of the big companies and touch the dedicated reserves.

II

As for the permanent revenue proposals, the payroll tax from the day of its announcement has been met by a mood ranging from sleepy languor to bristling opposition. First and foremost, it is favorable to business, and the more profitable the business the more favorable the tax. It is subject to criticism from small business, in fact, on the same grounds as an unreformed franchise tax, for an enterprise would be required to pay its portion regardless of whether it makes a large profit, a small profit, or no profit at all.

More important, the payroll tax approaches being a double-levy on the employee; the employer could pass his share along to the consumer, and the average worker would be hit from both sides. The original scheme came from the brain of one E. B. Germany . . .

III

The fairest principle in taxation is the principle of ability-to-pay: graduated corporate net profits taxes,

(Continued Next Column)

graduated taxes on the giant oil producers, "equalization" taxes on the special interests which tear up our roads without paying their proportionate share, these are fair taxes constructed on a fair and just native theory. There will be such proposals this session in the House. In the process, we hope that Texas liberals will not be taken in by the old hue and cry against the personal state income tax, which for unadulterated political reasons has been made synonymous, in some quarters, with a general retail sales tax. Ultimately, the graduated income tax is the fairest tax of them all.

The tax bill is not going to be written by the governor, or the lieutenant governor, or the Senate. It will be written by a majority of the House of Representatives. Last time, with the speakership and their own committees stacked against them, the majority finally won a victory against the greatest of odds on a tax principle that may yet carry the day. We again wish them well.

Observer Notebook

★ ★ ★ ★ ★

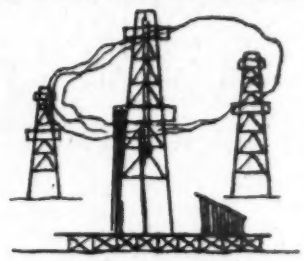
Telegraphic Punch in the Legislature

Lagging Behind Again

Gov. Daniel has come forward with some pretty shocking statistics on Texas' water development program. As in most other services, we are lagging far behind again. Texas ranks 17th among the 18 Western states in development of water resources, spending now only 17 cents a year per capita on our water program. New Mexico spends $1.36 and California $2.34.

This Time, Waco

Secondary school students in Waco public schools "will get their first intensive indoctrination into the evils and dangers of communism this spring," the Waco News Tribune tells us in a news story, if a plan devised



by Dr. L. V. McNamee, assistant superintendent, takes effect. "Waco would follow the leadership in this field set by other progressive schools, such as Dallas . . .

McNamee believes that instruction should include "attention to the devious methods of communist political, economic, and subversive penetration." Under his plan, "teachers and principals would organize study sessions during which they would attempt to learn all about the disease of communism." The textbook for the teachers will be *What We Must Know About Communism*, by Harry and Bonaro Overstreet. Each principal would conduct study sessions for teachers. "A nationally recognized speaker would discuss the perils of communism before teacher groups, and lay experts might be used for assemblies during the year." Of course "teachers and principals would be urged to redouble their efforts in extolling the greatness of democracy and the American way of life."

For their "lay experts," if the program follows according to form, the good Waco people will be able to draw on any of a number of regional soothsayers and medicine men. As for the study sessions for the teachers, we are all aware that high school principals are generally in the vanguard of American scholarship. In the best tradition of inquiring scholarship, they will probably do a good job of the job they are being told to do.

Dallas Vote

The civil rights commission has proposed cutting off federal financial aid to publicly supported colleges and universities which discriminate "on grounds of race, color, religion, or national origin." The recommendation was signed by five of the six commissioners. One of them: vice chairman Robert G. Storey of Dallas, ex-dean of the SMU law school.

Endorsement

The Houston Chronicle devoted a long editorial column to the speech made by Robert Nesmith, Houston contractor, at the Austin Freedom Rally last week, praising Nesmith for his remarks on the need for a union of conservatives to gain control of the pink-hued Democratic party.

We read the article three times and nowhere did it mention some of the other, more flamboyant, statements made by the fellow: "I wouldn't vote for Kennedy for dogcatcher, because he would either socialize the kennels or ship them overseas. As for Lyndon Johnson, I'll say right here publicly Lyndon Johnson is nothing but a drunk . . . I'm 47, he's 53. I'll take him on. I've fought 100 aerial fights and 123 amateur fights and 67 professional boxing matches, so he doesn't worry me . . . The socialists are communists without the firing squad . . . Socialists control the Democratic party . . . Sen. Javits is a socialist, in fact—or a 33rd degree communist." Big newspapers, of course, have the right to choose their friends. If their "union of conservatives" is going to be anything like this, we hope they will follow the customary arrangement and use three rings.

Uh Huh

AUSTIN

The copy desk of the Houston Chronicle has either been subverted by rabid Democrats or else does not understand the potential of juxtaposition. An eight column banner across the front page last week said: "GOP Places Power Behind John Tower." A large black three-column headline just under it added: "28 Missing As Texas Tower Sinks in Atlantic." And the headline under that confirmed: "Platform Toppled by Storm."

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Ronnie Dugger
Editor and General Manager
Willie Morris, Associate Editor
Sarah Payne, Office Manager

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EDITORIAL and BUSINESS OFFICE: 504 West 24th St., Austin, Texas. Phone GReenwood 7-0746.

HOUSTON OFFICE: Mrs. R. D. Randolph, 419½ Lovett Blvd., Houston 16, Texas.

We will serve no group or party but will hew hard to the truth as we find it and the right as we see it. We are dedicated to the whole truth, to human values above all interests, to the rights of man as the foundation of democracy; we will take orders from none but our own conscience, and never will we overlook or misrepresent the truth to serve the interests of the powerful or cater to the ignoble in the human spirit.

A Cowhand Speaks Out For Liberty

As Senator Bill Blakley of Dallas was saying in his maiden speech, opposing the gag rule on debate (excerpted from the Congressional Record):

Lost freedom is gone. It does not reappear. It is not compensated for elsewhere.

Even after listening to the discussion here since the Senate convened, I cannot keep from feeling a sense of surprise that the issue involved should be presented as one of—and I will have to place the words in quotation marks—"liberals" versus "conservatives."

It is not, I submit, a correct presentation. For the terminology indicates that "liberals" — quotation marks again — favor gag rule of the Senate and "conservatives" oppose gage rule of the Senate.

No. This could not be true.

Mr. President, it is not liberal to facilitate cutting off debate in the U. S. Senate on matters affecting the people of all the 50 states represented here.

Is it, then, that only the conservatives are to speak out freely on behalf of free speech?

At bottom, this issue does not have anything to do with liberalism or conservatism. But if defending the rights of minorities is to be regarded as conservatism, then I accept—I grasp—the designation, conservative.

Conservatively, if that is the word to be used, I believe the rights of minorities must be preserved.

Conservatively, I go along completely with the 10th amendment to the Constitution, which provides that rights not delegated to the federal Government remain with the states or with the people.

Conservatively, I hold to the concept that, in the Senate of the United States, each one of the 50 sovereign states is the equal of any other.

Conservatively, I stand for freedom of the individual; for freedom of enterprise; for freedom in government.

I hope, as I believe, that this kind of conservatism is Americanism as sound and valid in the second half of the 20th century as it was when some wise men met in Philadelphia and wrote a document that formed the basis for a new and free nation.

Signs of a Sickness

★ ★ ★ ★ ★

Faint Touch of Danger in the Air

AUSTIN

McCarthyism is reviving in the country and may also in Texas if the legislature does not post watch against it. Signs of a sickness of spirit, like the symptoms of an illness, have been appearing again among us.

First we noticed two business groups in North Texas giving money to public schools to teach "Americanism as defined," which included free enterprise but not social security and made no provisions for monopoly. The businessmen's money was actually being spent for public school teachers' "pay supplements" in reward for their teaching their young the special message.

When called, the Abilene public schools dropped the program and returned $5,000 of the money to the public school meddlers from Dallas and Fort Worth; but the Sweetwater schools did not return a cent, refused to admit error, and went ahead. The Corpus Christi schools refused $5,000 of the "loot for patriotism," but many other schools, like those in Burnet, went right on, and do to this day. As soon as the one program was slowed down, another, the "West Texas Heritage Study Program," started up again.

Meanwhile H. L. Hunt's Wayne Poucher continues to lasso his lifeline around the neck of every liberal he can find and tug him toward the Gulf, there to drown him as a communist.

FROM the east and from the west the right-wing fallout increases. Some student demonstration against the House Un-American Activities Committee in San Francisco becomes, inexplicably, a burning issue in Texas. Then we realize that the House Committee has supervised the making of a doctored film, "Operation Abolition," smearing the students as communist dupes and throwing in James Roosevelt the better to spice the boiling oil. Forty copies of this film are circulating *in Dallas alone*. They are being played all over Texas (with reliable defenders of civil liberties like Martin Dies providing the background patter) before civic clubs, dads' clubs, PTA's, high school assemblies, college assemblies, military reserve group meetings in the evenings. The message is plain: opponents of the House Un-American Activities Committee are communists or their dupes. Old Joe's language is coming to life again: fellow-travelers, un-Americans, pinkos . . .

Editorials begin appearing, of all places, in the Houston Post, warning of FBI director Herbert Hoover's concern that communists are infiltrating the student movements of the country, advocating a super boy-scouts to police the younger generation. Perhaps there is suggested a billy-club of ostracism against the young liberal. From young friends of liberal bent in the high schools of Austin one hears that petitions are taboo and the liberals feel out of it; like freaks.

In the South, powerful emotions of defeat gather in the legislatures to club back against advancing integration. In Baton Rouge, legislators announce an investigation of communists at Louisiana State University. An English teacher whose offense was writing a racist about human equality resigns his post for the sake of his school. Another 127 faculty members sign a statement rebuking the legislature for thought control; what comes next, no one knows.

McCARTHYISM first became a potent force during the Truman years, when right-wingers believed they were losing on every front and had to devise some new way to frighten the people. Now, again, they are losing. They lost the national election and cannot reasonably hope to win in 1964 without a new national scare. They are losing the conflict in the South, mainly because the students in the colleges have turned out to be more effective messengers of change than the lawyers in the courts. They have only two strongholds left: the Congress, where they have the committee seniorities and the clubs of legislative inquiry, and the state capitols, whose sovereignty has been glorified by conservative interests seeking to reduce the impact of federal liberalism.

But they also have McCarthy's lessons in how to benefit (for a while) from the panicky spirit among us, from our fear of ideas and open situations, and they have the subtler example of cleaned-up McCarthyism, Richard Nixon, who is less dangerous than McCarthy in the same degree that "The Clean Bomb" is less dangerous than the earlier, nasty one.

So now come Reps. Don Garrison and W. H. Miller from the Houston matrix of Dixiecrats, Freedom in Action, and Roosevelt-haters, proposing the establishment of a little House un-Texan Activities Committee. They are protesting, "Ain't no witch-hunters here, we just want to study the Smith Act." Legislators who believe that, politics aside, the touchstone of the free way of life is the free thought of the individual: Beware. R.D.

"Wonder What The Creep Wants This Time"

Trading Out For A Crime In Oklahoma

MT. ENTERPRISE

Louis William Bennet, one time plumber from Muskogee, went to the Oklahoma State Prison in 1957 to begin 35 years. The sentence did not seem excessive, since he had been convicted of killing an old man, Fred F. Ernest, 70, with a ball peen hammer, and had got off with a charge reduced to manslaughter. And he had confessed. Probably a lot of people thought an example should be made out of anybody who would do a thing like that; with a confession, you didn't have to worry about getting the wrong one, either. With time off and all that, Bennet would be out in just ten years or so, ready to kill somebody else. This was nothing short of declaring open season on old men.

A few days ago, having done better than three years of his 35, Bennet got out and started home. Gov. Edmondson wanted to see that he spent Christmas with his family; his pardon has been voted unanimously.

Leonard McLain, who is 33 and already serving life at Huntsville for a similar murder—it was an old woman, and a piece of pipe, in Dallas, the second time—told people behind the walls that he had killed Ernest a few days before he committed the crime for which he is in prison. Oklahoma Crime Bureau agents questioned McLain, gave Bennet a lie detector test, and accepted the story. Bennet's pardon and release followed.

Then why had he confessed? "I was willing to trade out . . ." Bennet says. Sheriff's officers had told him he better confess. "They said I would not get over ten years and would get off sooner with good behavior, and that I might get the chair if I didn't confess." And then, he had had a nervous breakdown.

The sheriff's men gave him his choice: take a few years, maybe ten, sure, or risk electrocution.

AFTER BEING ARRESTED for a crime you didn't commit, you can linger in delicate agony trying to estimate the inestimable, the mind of a jury, and one not yet impaneled at that, with on the one hand undeserved imprisonment and then ruin for yourself and your family—for you will have confessed—and on the other a good chance of a dishonorable death and no possibility whatever of redemption or recompense.

And after you go on and have your breakdown, and give up in despair, you find yourself with the brutal joke of having got three-and-one-half times what you traded for; you can go on to prison and start on the new torment of waiting, every day, for the only thing that can save you, which is that a man who is completely and absolutely in the clear, and who is capable of bludgeoning an old man to death, convict himself of murder.

The point is sometimes made that even with the death penalty, the actual number of executions is so low as barely to be noticeable. In the case of Louis William Bennet, the death penalty did not have to be carried out. It did not have to be mentioned in court. It merely had to exist, and the possibility of justice went out the window. The electric chair here specifically served the commission of a crime.

WHAT IF BENNETT had been sterner, or merely more optimistic? After all, a former plumber from Muskogee isn't going to be hiring many present-day Clarence Darrows, and the crime was revolting. And the executioners have learned one thing from the Chessman case: kill 'em quick. If Bennet had not yielded, McLain might now be in some danger himself: for crimes against the sleep of the Right-thinking.

CHARLES LANGFORD

W. J. Cash and Southern Mind

★ ★ ★ ★ ★ ★

An Insight Into the Writer and His Influence

CHARLOTTE, N.C.

I never drive across Cleveland County, North Carolina, without recalling that Wilbur J. Cash spent much of his too-brief life there, writing the rich pages of **The Mind of The South** in a small rented room behind the post office in Boiling Springs.

Cleveland County claims few other distinctions, but Cash suffices. The turn of the year marks the 20th anniversary of his one book, and with every year the compass of its admirers grows and claims a new journalist, a new historian, a new layman among them. If Cash's ghost still broods over its gently rolling, open, lonely hillsides, that is enough.

I REMEMBER driving along there, some two years ago, through a softly-falling drizzle. The rain made the pastures grey and the pines black, and I drove by an isolated country graveyard when an unpretentious coffin was being let down into the red clay. Caught by the tableau, I braked the car and watched this ultimate ritual. Cash was on my mind, and I wondered if he, a tireless, self-rapt walker, had not happened

by the same scene sometime in the mid-Thirties, when his powers stood at their height, and hastened home to write his saga of the country cracker going to town on Saturday night, or perhaps a newspaper editorial for the bottom of the column that would bind up all its pathos and sad dignity. Fanciful imaginings.

But I am trying to say that in Cleveland County, North Carolina, all the elements of the southern drama Cash chronicled came together. There was the blackish down-country soil where cotton flourishes, and the hard red upland clay, where it must struggle against the weeds. There, in the little towns, stand the ugly textile mills, boxed in Victorian redbrick. Occasionally, on a hillside, one glimpses a "big house," weathering gray; and on the next, the newer palace of a textile boss. In the towns, too, you can see the cold-eyed, narrow-browed, pathetic man who exchanged the back-breaking day in the field for a big room of whirring looms and choking lint.

And to be sure, somewhere in a rented room there is a young man who has been at Chapel Hill, or Wake Forest, where Cash went, husbanding his new-found book-learning and insights jealously, at one and the same time regretting the fall of that old farmhouse and fiercely venting his rationalism on the oddities of a slow-changing region. Fearful, if the truth were known, that these new eyes in the mind may slowly close in the unanalytic soulfulness of the place.

I am not suggesting that the southern drama is joyless, or that Cash did not glimpse its occasional hilarities. But he was first of all a brooding man, and his historical imagination was firmly controlled by a deep tragic sense. He found "sultry reverie" the mood of southern land, but underlying it, there is always that other mood: "There are days when the booming of the wind in the pines is like the audible rushing of time —when the sad knowledge of the grave stirs in the subconscious and bends the spirit to melancholy; days when the questions that have no answers insinuate themselves into the minds of the least analytical of men . . ."

Who, then, was W. J. Cash—whose one book has drawn so much posthumous acclaim?

CHARLOTTE, where Cash wrote editorials for The News for many years, is full of Cash lore, most of it hearsay quality but spellbinding. His contemporaries here, admittedly benefiting by hindsight, acknowledge his brilliance, but Cash was startlingly eccentric for a conformist town. He was a mysterious out-of-kilter fellow, maniac-depressive in company, soliloquizing for hours one day, stone-silent the next. He was a low-temperature fellow most of the time, who never looked at a clock, was called "Sleepy" by his intimates, a heavy drinker whose most memorable editorials, it is said, were written against the thumping tempo of a hangover.

Most of the time he was at The News—during the Thirties—Adolf Hitler was building his thousand-year reich in Germany. Cash was obsessed with an, as it proved, prophetic hatred of Hitler. Again and again, he sounded powerful alarms against appeasement in Westminster and isolationism in Washington in the editorials of a provincial southern newspaper. One even came into the hands of Winston Churchill, who was then speaking from the same viewpoint as a back-bencher in Parliament.

Then, one day in 1938, everyone gathered anxiously around the wire machine in The News' newsroom, which was slowly tapping out an urgent European bulletin. Hitler had invaded Austria.

Cash fell down in a frothing epileptic fit.

IT WAS ONLY some months later that Alfred A. Knopf published "The Mind of The South." Cash took his prizes and his new acclaim and left, in the summer of 1941, for Mexico to study for a year and write. There, one night, he hanged himself. Some rumors have held that German agents did it and rigged it to look like suicide, but this strikes me as considerably more fanciful than the also-unconfirmed rumor that an autopsy revealed an advanced brain tumor. If so, he had kept his growing apprehensions secret from his closest friends, who were never really intimate.

The book?

Well, except for a few who remembered **The Mind of The South** but was all but out of sight for a decade. It was only when Anchor Books reprinted it in a cheap paperback that its renaissance began. Still, those who know the book are fervent about it, envy it, quote it, re-read it; historians are amazed with its brilliance, and members of the growing Cash cult are fascinated with its origins, here in the clay fields and mill towns.

But of the book's substance, one must say its direct influence on the southern mind is, for several reasons, obscure. Open testimonies are few, though it was interesting that Judge J. Waites Waring, the Charleston aristocrat who made himself an exile in his own city when he struck down, from a seat on the 4th Circuit Court, the laws South Carolina devised to keep white primaries after the Supreme Court gunned them in the Texas cases, acknowledges a debt to Cash. But testimonies like Judge Waring's are rare, save from newspapermen, many of whom are votaries without betraying any signs that all of Cash's subleties got across.

POSSIBLY, it would be wrong to see **The Mind of The South** as a sort of catalyst by which the mind of a whole region was turned inward on itself, or as the creator of the analytical temper. Perhaps it has been, in scattered instances. But analysis, though not triumphant, was never absent from the southern mind, or a thread of it, at all—never since the College of William & Mary in Virginia nursed Jefferson and Marshall, who would be fountainheads of national philoosphy—whether republic-democratic or federalist. Think, too, of the tragic figure of Calhoun, whose mind was brilliant, tough, and masterful of politics, yet was so unsensitive to the forces of its time as to touch insanity. And as Cash himself acknowledged, much of the analytical temper that flourished in the Thirties, if new, owed itself to the work of sociologists like Howard Odum and his associates. Maybe it was a new thing for southerners to analyze themselves, sociologically, and to probe critically for the forces that had seemed to petrify their region; but Cash did not create the temper. He was its chronicler.

Cash, it seems, could not really choose between his hatred of the corrupting elements of the Old South—its pride and vanity, its violence, its false romance, its often cruel puritanism, its religiosity—and a certain fear of many elements the New South offered —"economic man," commercialism, babbitry, callousness. Cash puts himself into the southern mind. But his treatment of cause and effect is so complex, so gingerly, so antenna-sensitive, as to leave him very tentative about many judgments.

He doubtless saw, for it is a matter of revelation, that the southern intellect can at best co-exist with, but can't erase, the romance, the myth, the soulfulness, the Sir Walter Scott-bred stylized chivalry.

But when Cash did aim to destroy he destroyed utterly, unanswerably. He laid waste to the cavalier myth (except for the handful of "Virginians" of the coastal South)—picturing the typical southern planter or farmer not as the vagrant son of an English lord, driven to the new world by primogenture, but as an entirely self-made man, who hews his way from the river swamp to the manor on the hill, and hails the toiler in the cabin down the river as his cousin.

Cash probed with equal fury the constricting, demeaning, narrowing power of southern puritanism — which co-existed so strangely with the sensuality, the love of frolic, the violence, and sometimes fed them. He dissected the gospeleering religiosity that still, today, makes the region a "bible belt" to the world.

DID CASH'S BOOK, whatever its future is to be, change the South's mind? I doubt it. After all, Wilbur Cash was a hater of messiahs. He did not claim for himself or his book an evangelical mission. The reader of "The Mind of The South" will rather find himself led along by a deeply contemplative, tentative guide, tender to his sensibilities, making distinctions too subtle for a manifesto. But yet—and better still—subtle enough for the great tradition of literary history.

ED YODER

Chopping Wood

AUSTIN

p+f He wanted to go horseback riding Saturday morning, but I had to go to do some work; he cried bitterly. I thought, perhaps I have lapsed back into neglecting him again; and so at noon, Jean, Celia, Sarah Payne, and he brought out a picnic lunch, and he went fishing down the hill. After a while the females left, and he and I remained here together. He read comic books awhile, understanding that I was supposed to be working; I lay down a while; we decided to chop some wood.

He wanted to chop down trees. I told him if they were dead we could, but not if they were alive, and anyway it was better to look for logs lying on the ground. As we set out he said, "You be the log-looker, and I'll be the tree-looker."

Soon the tree-looker saw off to the right of the trail a huge dead oak standing against the grey sky above the cedars. Large limbs had fallen from it, and we set about our work, building a wood pile. He chopped a little with the double-bladed axe, but he is only eight; he just lifted it up a little higher than his tow head, and dropped it on the logs. Occasionally he got a chip and would call out, "That was a **good** chip!" He took to throwing the logs to the pile, and said, "You're the wood-chopper, and I'm the wood-thrower."

There was a cedar tree, about eight inches around at the base and perhaps fifteen feet tall, which someone had chopped on and then stopped, not going far enough to take the wood, but far enough to kill it. It had toppled to the side across a branch of the oak we were chopping under. It was softened at the base, so I told Gary to see if he could pull it up. Tugging and grunting, the long thin trunk waggling above him, he got it up, and was proud and amused to have pulled up a tree.

We built up a pretty good pile, and then in stages we carried it back to the woodshed. The last trip for the kindling I haunched down to load him up, and he said, "I sure am glad I was born!" I looked up at him; he was not smiling, but thinking, and feeling the fresh air, the satisfactions of wood-chopping, the possibilities of this cold winter day. "What made you think of that?" I asked; for I was amazed, and happy for him. "Oh, I don't know; I'm just glad I was born," he said. "And I'm glad you were born to be my daddy." "I'm glad, too," I said.

We carried up the last armsful.

He built up the fire inside a little. He wanted to watch the popcorn pop but did not find attractive the prospect of his picking it up off the kitchen floor, so he agreed to our making it in the usual way. We poured melted butter over it and had our tea hot with it on a card table in front of the fire.

Not that I had said anything to make me think it: I had been talking to him awhile in an automatic way, as one does to a child. "I'll stop treating him as a little boy now," I thought.

We decided to plant a worm garden, and taking the fire-place shovel outside to a place of exposed earth, dug it up and poured the worms he had not used in with the others we had turned up and bisected in the digging. Inside again I thought we might save a little more money by seining for our minnows, with the seine on the porch, down in the shallows where we swam in the summer, but if we took bass, I told him, it would be illegal to keep them. Why? Because there is no sport in it, and a few would seine all the fish, leaving none for the others. "We could keep a few," he said. "Enough to eat, perhaps," I said. "No more."

He named a friend of his he would play with tomorrow if he was not here with me. He said one reason he does not like to play a lot with another boy he named is, "He's too rough, and if I play with him too much, I'll learn his ways. I don't want to be that rough." "That's a good reason for not playing with him a lot," I said. "But it's not a good reason for not playing with him at all." "I know," he said.

As I fixed second cups of tea he said, "Boy, wait'll I tell mother about that tree!" "It'll sound like a lot more than what it was." "I know it! That's why it's so good to tell her. But Daddy," he said, "you watch me and see I don't go off course." I laughed. "What do you mean?" "I mean, see I don't tell it bigger than it was."

A log has just fallen forward out of our fire, and he is sitting at the card table, cheddar cheese and triscuit wafers spread out before him, digging his spoon into the sugar jar for more sugar for his tea, and with his other hand, and his attention, reading a folded over comic book about "The Little Mermaid." The light above his head is shining on his golden hair.

R.D.

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Red Berry's Case

Legal Racing In Texas?

AUSTIN

Representative Red Berry of San Antonio, hugging close to his desk to the right of the Speaker's stand, has been waylaying everyone who will listen and presenting his straightforward arguments for legalized horse racing in Texas. He does not use the language of a college debater, but his arguments are sharper than most of them could think up.

First off he shows you the April 27, 1960, Wall Street Journal, in which he has circled an item reporting that tax receipts from horse racing last year shot up nearly ten percent, to $243 million, in the 24 states in which betting on the nags is legal.

"Those newspapers that say this has no chance to win—it's got a helluva chance to win," he said. "I know this thing's got a helluva chance to win. It's a helluva lot of money, it's a helluva tourist attraction. It's no one-way proposition. Last year 56 million people went to see horse racing, two million more than football and baseball combined."

Berry, who has owned race horses—he sold his last one in El Paso a few weeks ago—and who has been known to gamble, himself, believes racing would bring in $14 million a year in taxes. He would give the counties with the tracks two percent of each day's "parimutuel handle" (the gross) and would split the state's $14 million even with all the other counties.

California raises $37 million a year for state services from its race tracks; New York, $96.5 million; Ohio, $12 million, Berry said. "And look at all the people it would bring in here—they buy gasoline and booze and cigarettes," on which there are sales taxes.

"I know we tried it before in Texas, but they didn't know what in the hell they were doing. They didn't know a horse from a mule. I know the situation. I had horses all my life," Berry said.

Drawing forth a green sheet bearing the stamp of the Texas Highway Department tourist division, Berry showed that in 1957 Texas had 10,300,000 tourists who spent $531 million in Texas, but in 1959 only 9,600,000 tourists spent $431 million. "That's not hearsay, that's the Texas Highway Department—we dropped off $100 million in two years," Berry said.

In the city of Las Vegas alone, he said, income from tourists "not counting gambling" totaled $1,138,000,000 (more than one billion) from 7,600,000 tourists last year. "That's only three times as much as the whole state of Texas with a population in that city of about 65,000 people. In Texas the tourists spend $43 a head, in Las Vegas about $150. Who's got the undesirables? — Texas got the brokes, that's what I say—the broke tourists."

Berry advocates submission of a constitutional amendment to permit local option elections in no more than seven specified Texas counties, Bexar, Dallas, Tarrant, Harris, Galveston, El Paso, and Midland. He thinks El Paso may not favor the idea since there is a track now in nearby New Mexico.

Berry's legislation would create a five-man state horse racing commission. If passed, this would put Gov. Price Daniel, a Baptist, in the position of supervising horse racing. Berry said off-handedly:

"One thing about this—he can't do a damn thing about it. If it passes he can't veto it."

(The governor of the state has no option about submitting to the voters a constitutional amendment approved by the legislature.)

Can't Help It

In accompanying legislation, Berry would set up an identification bureau to photograph and fingerprint all persons working at the tracks and to photograph and keep records on all horses racing in Texas. Counties in which the tracks were located would be responsible for policing their own tracks. Berry says his law will be copied after California's, which has been revised every two years since 1933.

Berry says the San Antonio chamber of commerce wrote ten other chambers in cities with racing. He showed copies of three letters:

- One, from the manager of the Hot Springs, Ark., chamber, saying the track there employs 150 persons a day, yields $1 million a year to the state, and is a tourist attraction.
- Another, from the director of research for the New Orleans chamber, saying there are two tracks in that city, that the crime rate shows "only a minute increase" during the racing seasons, that retail trade and sales tax income increase to a slight degree, and that the city of New Orleans gets five percent of its income, $1.4 million last year, from the tracks.
- A third, from an executive of the Phoenix, Ariz., chamber, saying the track there is good for the tourist business and that tourists spend $150 million annually in Phoenix.

Florida, Berry said, divides half its revenue from racing with the counties of the state. Volusia County, Fla., uses its part of the state revenue to supplement teachers' salaries $175 each a year.

What about the prospect of a working man going to the track and blowing his week's pay on the horses, leaving wife and kids hungry and crying at home?

"Working people are working in the daytime," Berry said. "True, most of them are not working Saturday. And one day is enough for 'em to go out there and lose their pay check. Well, you can't help that," Berry said quickly.

"They got it all over the world, why not Texas? — that's what I say," he said. "Look at the big tracks, $10 $15, $20 million, that would go on ad valorem." He started thumbing through a Racing Form on his desk for some figures. "I bet I brought the wrong Form," he muttered. (He had.)

Undaunted, he produced a reprint from The Morning Telegraph, "America's Oldest Authority on Motion Pictures, Theatre, and Turf," featuring an interview with J. Edgar Hoover, director of the FBI, discussing his favorite diversion, racing:

" 'Actually, from a law-enforcement standpoint, a well-conducted racetrack is a help to a community if only for the reason that the people at the track are finding an outlet for their emotions, are enjoying a diversion, if you will, which time, if they weren't at the track, they might use for less laudable escapes.' "

"There is so much argument for this thing—so much evidence," Berry said, obviously feeling frustrated by a number of jammed starting posts he has run into on the House floor. "I hope they don't make up their minds until thye see the evidence—at least let the people of Texas vote on it. We'll have some hearing down here. I imagine," he said, looking around at the galleries overhead, "we'll have a few people here." R.D.

ABOLISHING A JOB

AUSTIN

That man who wants the legislature to abolish his job is back again.

He is George Corse, Jr., school superintendent of Young County, and he wants the Texas lawmakers to pass a law that would enable all counties to abolish the post of county superintendent. He says the enabling act would save the state about $2,000,000 of the $2,500,000 now being spent on the operation of these county offices —$710,000 of which is currently spent on the salary of superintendents who have no schools to supervise.

Corse, who ran for the office of county superintendent on the platform that he would come to Austin and lobby to abolish the post, almost got it through the 56th legislature. It passed the House easily on a voice vote, but it bogged down in the Senate.

This time he will start it in the Senate. He's asking Sen. George Moffett to introduce the bill. Moffett reportedly wants him to bring it up in the House again, but Corse is through with that.

"Ninety-nine per cent of the House is for it, was for it before and voted for it, so I'm going to introduce it in the Senate and that's that," Corse said.

Corse argues:

The county school systems of Texas were originally run by the county judges. Then the systems (or most of them) got so large that the state legislature passed a law enabling the counties to set up the post of county superintendent when as many as 2,500 students were enrolled in the system. But the law said nothing about permission to abolish the post once it was set up.

In subsequent years, independent school districts took over the job once done by the county systems—in fact, they have taken over the job so completely in many areas that today the number of "common schools" in the county system has dwindled to one or two or, sometimes, none.

Yet the administrative posts remain, as numerous and costly as ever.

"We have counties where they spend $1,000 a child to administer his education, but only $400 a year on education itself," said Corse. "In Uvalde County, there is one common school with an enrollment of three children. The county appropriates $14,783 for administering the school."

Opponents of Corse's legislation say that, since the county judge becomes ex officio superintendent if there is no county superintendent, this maneuver would not save money—it would simply give the county judge more money. Corse denies this. He says that since the maximum the ex officio post pays under law is $2,600 and usually pays less, and since what the school board votes for the work is usually subtracted by the county commissioners from the judge's regular pay, the judge does not get richer.

Not all counties have school superintendents. Some never did change over from the original county judge set-up. Some others have taken advantage of the county unit law, by which, if the county has only one school and the district judge coincide with the county lines, the superintendent of that school is in effect the county superintendent as well.

Such is the case in Andrews, Borden, Brooks, Crane, Dawson, Ector, Glasscock, Reagan, Sterling and Upton counties.

But at least two-thirds of the counties of Texas still have school superintendents. B.S.

LEGALS

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that Otto C. Pfluger, Werner M. Pfluger, Estate of Henry Timmerman, Deceased, Mrs. Hertha Knebel, W. A. Flachmeier, Raymond Flachmeier, Irene Flachmeier and Hugo Flachmeier, composing the firm of Pflugerville Gin Company, intend to incorporate such firm without a change of the firm name after the expiration of thirty days from this date, at which time the aforesaid partnership which has existed heretofore will be dissolved.

Pflugerville Gin Company
By Otto C. Pfluger
Managing Partner

PUBLIC NOTICE OF DISSOLUTION

Notice is hereby given that the partnership of Anderson-McBride-Wormley has been dissolved by mutual consent of the partners on June 1, 1960. All debts owing to and all claims or demands on said partnership are to be presented at 1157 Chicon Street, Austin, Texas.

June 1, 1960.
(s) M. J. Anderson
(s) Walter L. McBride
(s) Robert L. Wormley

STATE OF TEXAS, COUNTY OF DALLAS

KNOW ALL MEN:

THAT I, James M. Penland, heretofore conducted a business in the name of Jim Penland's Boys & Mens Wear of Dallas, Texas, intend to incorporate that business under the name, to-wit: Jim Penland's Man's Shop, Inc.

JAMES M. PENLAND

CITATION BY PUBLICATION
THE STATE OF TEXAS

TO Ben McKenzie, Harriet McKenzie, Louisa McKenzie, Richard Hancock, Lizzie Hancock, Ross Hancock, Susie Dickinson, William Dickinson, Mattie Hansborough, John Hansborough, Fannie Pink, Mance Pink, M. A. Peoples, Anderson Peoples, Dolly Duke, Gracie Duke, Mary Littlejohn Duke, Ida Smith and Will Smith, the heirs of each of said named individual defendants who is dead, The legal representatives of each of said named individual defendants who is dead. The legal representatives of each of the deceased heirs of each of said individual defendants. Defendants, in the hereinafter styled and numbered cause:

You (and each of you) are hereby commanded to appear before the 126th District Court of Travis County, Texas, to be held at the courthouse of said county in the City of Austin, Travis County, Texas, at or before 10 o'clock A. M. of Monday the 6th day of February, 1961, and answer the petition of plaintiff in Cause Number 120,404, in which John O. Robinson and Kelcy Robinson are Plaintiffs and Morise Dixon, James Dean, Ira Jurrells, George King, Willie Cathey, Rev. Boyd Hansborough, in their capacity as trustees of or for St. Paul's Church of the Colored Baptist Denomination, and St. Paul's Church of the Colored Baptist Demoninational, and the defendants hereinabove named are defendants, filed in said Court on the 21st day of December, 1960, and the nature of which said suit is as follows:

Being an action and prayer for judgment in favor of plaintiffs and against defendants for title to and possession of the following described two tracts of land, each of which is a part of the George W. Davis Survey No. 15, in Travis County, Texas :

FIRST TRACT: BEGINNING at the Southwest corner of the tract of land described as containing one acre, which was conveyed by T. Caswell and Julia Caswell to Baptist Church Colored of District No. 4 by deed of date December 14, 1875, which is recorded in Book 62, at Page 179, of the Deed Records of Travis County, Texas;

THENCE North 29 deg. 25 min. East with the present fence line of said one acre tract, 280 feet to an iron stake at the Northwest corner of said one acre or cemetery tract;

THENCE North 60 deg. 40 min. West 16.7 feet to an iron stake for corner;

THENCE North 29 deg. 40 min. East with the West fence line of a 30 foot lane, 657.8 feet North 29 deg. 42 min. East 343.3 feet to an iron stake at the Southeast corner of the tract of land conveyed by John O. Robinson and Kelcy Robinson to James F. Robinson and wife by deed of date January 19, 1960, recorded in Book 2142, at Page 306 of the Travis County Deed Records;

THENCE North 29 deg. 42 min. East 70 feet to an iron stake for corner at the Northwest corner of said James F. Robinson tract;

THENCE North 62 deg. 25 min. West 606.12 feet to stake for corner;

THENCE North 29 deg. 53 min. East 554.93 feet to a stake for corner;

THENCE North 60 deg. West 490.17 feet to stake in the East line of the right-of-way of the Southern Pacific Railway Company for corner;

THENCE with the East right-of-way line of said Southern Pacific Railway Company, South 0 deg. 40 min. East 1666 feet to stake at the beginning of a curse;

THENCE along the curving East right-of-way line of said railway, South 6 deg. 56 min. East a chord distance of 585.4 feet to a stake for corner;

THENCE South 60 deg. 16 min. East 51.15 feet to the PLACE OF BEGINNING, and containing 19.54 acres of land, more or less.

SECOND TRACT: BEGINNING at the Northeast corner of the tract of land conveyed by T. Caswell and Julia Caswell to Baptist Church Colored of District No. 4 for cemetery purposes by deed of date December 14, 1875, recorded in Book 62, at Page 179, of the Travis County Deed Records;

THENCE North 29 deg. 43 min. East 625.7 feet to stake for Northeast corner of this tract;

THENCE North 58 deg. 51 min. West 138.52 feet to stake for the Northwest corner of this tract;

THENCE South 29 deg. 40 min. West with the East line of a 30 foot lane, 634 feet to stake for the Southwest corner of this tract;

THENCE South 60 deg. 40 min. East 138.09 feet to the PLACE OF BEGINNING, containing 2 acres of land, more or less.

Plaintiff's allege that they are the fee simple title owners of the above described two tracts of land and that on September 1, 1960, they were in possession and were entitled to possession of said two tracts of land and that on said date defendants unlawfully entered and dispossed plaintiff and continuously since said date have unlawfully withheld, and now unlawfully withhold from plaintiffs the possession thereof. Plaintiff's allege that they hold title to said two tracts of land under the three, five, and ten years statutes of limitations. Plaintiff's further allege that each of the defendants is asserting some character of title or interest in said land, the exact nature of which is unknown to plaintiffs.

Plaintiffs prays for costs of suit, and for relief, general and special, legal and equitable.

All of which more fully appears from Plaintiff's Original Petition on file in this office and to which reference is here made.

If this citation is not served within 90 days after date of its issuance, it shall be returned unserved.

WITNESS, O. T. MARTIN, JR., Clerk of the District Courts of Travis County, Texas.

Issued and given under my hand and the seal of said Court at office in the City of Austin, this the 22nd day of December, 1960.

O. T. MARTIN, JR.
Clerk of the District Courts, Travis County, Texas.
By O. T. MARTIN, JR.

CITATION BY PUBLICATION
THE STATE OF TEXAS

TO Wilma L. Garrett Defendant, in the hereinafter styled and numbered cause:

You are hereby commanded to appear before the 98th District Court of Travis County, Texas, to be held at the courthouse of said county in the City of Austin, Travis County, Texas, at or before 10 o'clock A. M. of the first Monday after the expiration of 42 days from the date of issuance hereof; that is to say, at or before, 10 o'clock A. M. of Monday the 20th day of February, 1961, and answer the petition of plaintiff in Cause Number 120,476, in which James D. Garrett is Plaintiff and Wilma L. Garrett is defendant, filed in said Court on the 30th day of December, 1960, and the nature of which said suit is as follows:

Being an action and prayer for judgment in favor of plaintiff and against defendant dissolving the bonds of matrimony now existing between said parties; Plaintiff alleges that defendant commenced a course of unkind, harsh and tyrannical conduct toward plaintiff, which continued until the separation of both parties; plaintiff alleges that he did nothing to bring about this conduct; plaintiff further alleges that defendant was guilty of excesses, cruel treatment and outrages toward plaintiff of such a nature as to render their further living together insupportable; plaintiff alleges that two children were born of this marriage, to-wit: James David, a boy, and Bobby Wayne, a boy, and asks that the court award the custody of said minor children to defendant; plaintiff alleges that certain household furniture and effects, certain tools and personal clothing were acquired out of community funds and plaintiff asks the court to award these items to plaintiff; Plaintiff prays that the Court award him judgment of divorce, certain household furniture and personal effects be awarded to plaintiff, and that the care and custody of the two aforementioned minor children be awarded to defendant; and for such other and further relief, in law and in equity, to which plaintiff may be entitled;

All of which more fully appears from Plaintiff's Original Petition on file in this office, and which reference is here made for all intents and purposes;

If this citation is not served within 90 days after date of its issuance, it shall be returned unserved.

WITNESS, O. T. MARTIN, JR., Clerk of the District Courts of Travis County, Texas.

Issued and given under my hand and the seal of said Court at Office in the City of Austin, this the 3rd day of January, 1961.

O. T. MARTIN, JR.
Clerk of the District Courts, Travis County, Texas.
By A. E. JONES, Deputy.

CITATION BY PUBLICATION
THE STATE OF TEXAS

TO Grant Myers, Jr., and wife Georgia Lee Myers Defendants, in the hereinafter styled and numbered cause:

You (and each of you) are hereby commanded to appear before the 98th District Court of Travis County, Texas, to be held at the courthouse of said county in the City of Austin, Travis County, Texas, at or before 10 o'clock A. M. of the first Monday after the expiration of 42 days from the date of issuance hereof; that is to say, at or before, 10 o'clock A. M. of Monday the 27th day of February, 1961, and answer the petition of plaintiff in Cause Number 120,062, in which O. H. Finck is Plaintiff and Grant Myers, Jr. and wife Georgia Lee Myers are defendants, filed in said Court on the 21st day of November, 1960, and the nature of which said suit is as follows:

Being an action and prayer for judgment in favor of plaintiff and against defendant for debt and for foreclosure of a vendor's lien. Plaintiff alleges that on or about the 20th day of November, 1950, defendant made, executed and delivered to Lloyd Payne and T. E. Wiley their promissory note for the sum of $3,850.00. That said note was given as part of the purchase money for the following described real property, to-wit:

Being a part of Outlot 23, Division "B", in the City of Austin, Travis County, Texas, and being a part of that one certain one acre tract sold by E. H. Givens and wife, Willismetta Givens to Lloyd W. Payne and T. E. Wiley, by deed dated March 22, 1950, of record in Vol. 1021, pages 552-554 of the Deed Records of Travis County, Texas, and a part of that certain tract of land sold by E. H. Givens and wife Williametta Givens to Lloyd W. Payne and T. E. Wiley by deed dated September 27, 1950, of record in Vol. 1096, page 234 of the Deed Records of Travis County, Texas.

That said property was conveyed to defendants by Lloyd Payne and T. E. Wiley on October 25, 1950, and that in said deed of conveyance a vendor's lien was reserved to secure payment of said note. That there is now due and unpaid on said note the sum of $3,163.79, and that since September 1, 1957, although often requested to do so defendants have refused to pay said note or any part thereof.

That said note was transferred to F. G. Haschke by Lloyd Payne and T. E. Wiley on the 27th day of November, 1950, who in turn assigned it to Plaintiff on December 31, 1954. Plaintiff is the legal owner and holder of said note as his separate property.

Plaintiff prays for other and further relief to which he may be entitled, all as more fully appears from Plaintiff's Original Petition on file in this office.

If this citation is not served within 90 days after date of its issuance, it shall be returned unserved.

WITNESS, O. T. MARTIN, JR., Clerk of the District Courts of Travis County, Texas.

Issued and given under my hand and the seal of said Court at office in the City of Austin, this the 12th day of January, 1961.

O. T. MARTIN, JR.
Clerk of the District Courts, Travis County, Texas.

CITATION BY PUBLICATION
THE STATE OF TEXAS

TO Harvey G. McLemore Defendant, in the hereinafter styled and numbered cause:

You are hereby commanded to appear before the 126th District Court of Travis County, Texas, to be held at the courthouse of said county in the City of Austin, Travis County, Texas, at or before 10 o'clock A. M. of the first Monday after the expiration of 42 days from the date of issuance hereof; that is to say, at or before, 10 o'clock A. M. of Monday the 6th day of February, 1960, and answer the petition of plaintiff in Cause Number 120,401, in which Eddie M. McLemore is Plaintiff and Harvey G. McLemore is defendant, filed in said Court on the 20th day of Dec., 1960, and the nature of which said suit is as follows:

Being an action and prayer for judgment dissolving the bonds of matrimony now existing between said parties in favor of plaintiff and against defendant; plaintiff alleges that defendant began a course of unkind and cruel treatment toward plaintiff, and that defendant was guilty of excesses, and outrages against plaintiff, and that plaintiff did nothing to bring on this treatment; plaintiff further alleges that no children were born of this marriage and no community property was acquired; plaintiff prays for judgment of divorce, and for such other and further relief as the Court shall deem proper to grant;

All of which more fully appears from Plaintiff's Original Petition on file in this office, and which reference is here made for all intents and purposes;

If this citation is not served within 90 days after date of its issuance, it shall be returned unserved.

WITNESS, O. T. MARTIN, JR., Clerk of the District Courts of Travis County, Texas.

Issued and given under my hand and the seal of said Court at office in the City of Austin, this the 20th day of December, 1960.

O. T. MARTIN, JR.
Clerk of the District Courts, Travis County, Texas.
By A. E. JONES, Deputy.

No More Business Taxes

LEGISLATIVE NOTES

✔ The race for the 1963 House Speakership is already on. **Will Ehrle**, Childress conservative, has been distributing printed cards, **Bob Hughes**, Dallas conservative, and **Alonzo Jamison**, Denton liberal, have also been soliciting pledges. **Tom James**, Dallas conservative who has received several pledges, announced he would not run.

✔ **Jake Jacobsen**, former aide to Gov. Daniel, has registered as a lobbyist for Continental Oil as well as for a trading stamp firm and a group of retail stores.

Political Intelligence

✔ **Dallas News**, advocating better support of state parks, noted these comparative spending figures on park systems per year: New York, $19 billion; California, $10 million; five other states more than $2 million each; Texas $270,000.

✔ **Beaumont Enterprise** editorialized that Turman's promise to make committees representative of the House is "good . . . But he also says it should have a majority opposed to the general sales tax. This is not so good. An ideal tax committee would be made up of members who are not opposed to any financial measure." The paper accused Turman of favoring a stacked committee.

✔ **Houston Post**, taking a stand against further business taxes, said: "A broad-based tax in the end would be no harder on the people than the indirect taxes they now pay, and it could solve the state's fiscal problems in the most equitable and auspicious way."

✔ An argument between **Atty. Gen. Will Wilson** and **Rep. Tom James** of Dallas enlivened the governor's preinaugural prayer breakfast. Wilson told James his charges against the attorney general's office after the Jefferson vice probles were "politically motivated." James argued they were not. James told reporters he released his charges in advance of the special committee report next month to avoid accusations of wanting to damage Wilson's Senate campaign.

✔ For the first time, the five **Hollles newspapers**—Pampa, Odessa, McAllen, Harlingen, and Brownsville—have sent a correspondent to cover the legislature. He is Fletcher Robertson, veteran West Coast newsman.

✔ Arthur Goldberg, secretary of labor in the Kennedy cabinet, asked **Jerry Holleman** to resign his post as president of the Texas State AFL-CIO before assuming his position as assistant secretary of labor. Earlier reports were that Holleman would be given a leave of absence by the AFL-CIO until August and perhaps later.

✔ Probably the most optimistic translation of the governor's speech was given in the **Palestine Herald-Post's headline:** "Daniel Believes Texans to Welcome More Tax Levies."

✔ **Texas Businessman**, weekly advisory, said "this is not the year to expect—or try for—a sales tax . . . Force an unwanted sales tax on an unwilling legislature—and on an uncompromising governor—and retribution to business will come." It added: "On top of political considerations, there's grim economic fact. If it's valid to argue oil shouldn't be taxed because of present doldrums and decline, the same argument is valid against taxing retailers."

✔ **East Texas Chamber of Commerce** got replies from 120 senators and representatives to a tax survey. The organization reported that 80 said they were not pledged against a general sales tax or personal income tax, while 21 said they were pledged against both. Chamber president Caldwell McFadden challenged Gov. Daniel's statement that most lawmakers are opposed to both taxes.

✔ **A Belden Poll**, noting that the Texas taxpayer is "ill prepared for what lies ahead," reported the following findings after questioning 1,000 citizens: only 54 per cent said they have heard or read anything about the state government's needs for tax money for the next two years; 63 per cent said they believe present state taxes are enough to take care of needs in the next biennium; on the kinds of taxes they would least oppose, 16 per cent said a sales taxes, 15 a larger tax on alcohol, 15 a larger tax on luxuries, 8 a larger tax on tobacco, 5 per cent favored a state income tax, and 3 wanted taxes on business and corporations.

✔ William Gardner of the Houston Post listed **three suggested reforms of House Speaker races:** popular vote, a special session several weeks before the regular session to give a new speaker time to organize committees, and a law on reporting of campaign contributions and expenses. "Perhaps some bold soul . . . will come forth with an improvement that his colleagues and the people will buy," he wrote.

✔ **George Carmack**, Houston Press editor, wrote "we had better be doing all we can to get Padre Island national seashore authorized" because other areas "more conscious than we of the value of such recreation resources are starting to move." He complained that although 18 months have passed since the legislature enacted open beaches legislation, "the barricades are still up and the cases have not yet been brought to trial . . . It is about time the state attorney general started pitching into this case with . . . vigor."

✔ Defeated speaker candidate **Wade Spilman** told the Dallas News his race with **Jim Turman** was "the most clear-cut issue we have ever had betwen liberalism and conservatism." Turman, disagreeing, said "I think there are about 10 to 20 conservatives in the House and about 20 to 30 liberals. All the others are in the middle, fluctuating with the issues. That's where I am—and we are the ones who solve the problems."

✔ Two colleges, **San Angelo** and **Pan American**, have asked the Cmsn. on Higher Education to make a recommendation for four-year state-supported status. If the legislature goes along, the extra state costs would be around $2 million a year.

✔ **The Dallas White Rocker** said the Dallas delegation to the legislature has "swallowed the sales tax" and argued that "the whole crew of Dallas County representatives are parroting the thinking of the big rich of this great city who refuse to bear the burden of taxation."

✔ Corpus Christi Caller, noting that the entry of Will Wilson into the Senate race "brings a new dimension to that contest," said Wilson is "almost certain" to reach the runoff, and speculated that supporters of **Waggoner Carr**, who lost to Wilson 696,000 to 543,000 in last year's attorney general race, may vote for or openly advocate Wilson's election in order to set up Carr for another bid for Wilson's vacated office.

✔ Austin American's **Sam Wood**, on the other hand, said Carr is "reappraising the scene" and may run for governor. "Friends of Carr believe that Wilson has weakened any bid he might make for governor" if he loses in his Senate bid.

✔ One of the most venturesome **Austin rumors:** William Blakley will withdraw from the Senate race just after the March filing deadline. The purpose of his interim appointment and announced candidacy, the rumor goes, has been to dissuade fellow conservative Allan Shivers from making a try.

✔ **Cong. Jim Wright**, in a question-answer period after a speech before Corpus Christi Jaycees, has tossed up some hot challenges. Among the questions: Is the Kennedy old-age medical proposal "socialistic?" Why should the federal government take so many taxes and waste the money? Wright's replies: "I am against socialized medicine but something must be done to aid the aged. Insurance is available to younger persons, but not to those more than 65. This group lives in fear of a calamitous ailment" and does not get the preventive care they need because of fear of costs. He urged states to "seize the initiative" in the matching federal-state plan passed in the last special session. On taxes, Wright said "over 80 cents of every federal dollar goes to pay for past wars or possible future wars."

The Week in Texas

● More campus support was given this week to the organized picket teams that are trying to desegregate two theaters on the Drag across from the University of Texas. The desegregation program, without pickets, is also aimed at all Drag businesses that now bar Negroes. Thirty UT library staff members signed a petition protesting the segregation policies on the Drag as "in profound conflict with the fundamental ideals of our nation." Twenty-five graduate students in the School of Social Work signed a petition also commending the mass protest and "the mature and responsible manner" in which it is being carried out.

● Fred Schmidt, secretary-treasurer of the State AFL-CIO, urged the State Hospital Board to try to get the Legislature to take over the Texas Rehabilitation Center in Gonzales, arguing that the center is barely squeezing out an existence.

● **Ernesto Martinez Lopez, sentenced to death for the rape-slaying of a 12-year-old Dallas girl, was given a 30-day stay of execution, which is customary. The new date is April 13.**

● Austin MacCormick of New York City, executive director of the Osborne Association, a national correctional improvement group, 12 years ago was called in to suggest remedies for a badly operated Texas penal system. This week, touring the system again, he said that "the progress made . . . is almost unbelievable" and he rated the Texas prison system one of the three best in the nation.

● The Bexar County district attorney's office has hired the first Negro assistant in its history. The new assistant DA is Andrew L. Jefferson Jr., Houston, 1959 graduate of the University of Texas law school. The post pays $4,500.

Repeal of Franchise?

Taxes Considered

(Continued From Page 1)

"would be harder on the large corporations"—on the gas companies which buy gas much more cheaply, sell at a higher price, and enjoy a wider profit margin than home companies. A dedicated reserves tax would also offer "another constitutional approach" on pipelines taxation along with the severance beneficiary tax passed by the last legislature and now in the courts.

On Daniel's recommended three percent increase in the natural gas severance tax, Eckhardt said he greatly preferred a tax on the pipelines rather than on the producers. A levy on dedicated reserves would hit the larger companies more fairly, and the governor's tax "won't touch the people with reserves already dedicated. Texas gas is selling at too low a rate now," he said. "The money is being made at the pipelines." He added, however, that as an emergency measure to retire the $63 million deficit he will "keep an open mind" on Daniel's proposal.

Franchise Repeal

The franchise tax, he said, "is an unjust, artificial tax." It overtaxes highly-capitalized, low-earning industries like railroads and undertaxes closely-held, highly profitable industries with smaller capitalization. "There's no excuse for raising money on the franchise principle," he said. "Capital has no relation to size." Furthermore, the franchise formula is defective, he said, being "very favorable to exploitive industries like El Paso Gas," which gathers gas in Texas and sells mainly outside the state. Under the franchise tax, such companies located in the state with a small ratio of Texas sales to total sales do not bear a just burden, he feels.

Eckhardt advocates repeal of the franchise tax, to be replaced by his corporate net profits tax. The latter would be based on a three-factor formula of sales, property, and payroll. Such a tax, he said, would be more in line with the "ability to pay" principle. The rates would be placed "at such a level not to increase tax rates on intra-state corporations—to raise no additional money from corporations doing most of their business in the state." Under the net profits levy, such businesses would pay roughly the same amount in taxes as they do now.

The tax, he said, would be "favorable to sick old corporations and to new venture corporations set up with Texas capital—very favorable to free enterprise in its true, non-monopolistic sense."

Daniel's proposed two-factor franchise tax, he said, is based primarily on capital; Eckhardt's on earnings. It would bring in more money and measure corporate tax rates on a "fair, comparable basis."

Tripartite Tax

Rep. Maco Stewart is working on a three-gauged plan coupled with repeal of all present selective sales taxes except on cigarettes, alcohol, and motor fuel, and repeal of the state ad valorem and corporate franchise taxes. One-third would be an excise tax on all products collected at the manufacture wholesale level, excluding food, medicine, housing, and services; one-third a corporation profits tax with write-offs on taxes paid to local government; and one-third on natural gas "over one-half of which leaves our state." He would advocate the program for only one year.

Stewart has distributed questionnaires to over 200 constituents. Response is running 2-1 in favor of his three-part program, he said, 2-1 against a sales tax, 3-1 against more selective sales taxes, 4-1 against personal and corporation income taxes, and 5-1 against Daniel's payrolls tax.

This package, Stewart estimates, would net the state about $97 million in one year on each of the three taxes; it would "shoot at $276 million," he said.

"This is a fairly based method," Stewart said. "The people will be paying only one-third of it, not all of it like we have been."

Under his proposal, "the poor man, who spends 90 percent of his earnings on food, housing, clothes," will be favored. The tax "would not touch the lowest rung," the economic group with a low level of consumption. Furthermore, "the burden will be on the wholesalers rather than the small retailers," he said.

The corporate profits tax in his plan, he said, "would be designed to attract industry to Texas." The same allocation formula used in the present franchise tax would be employed; taxes would be paid on a ratio of sales in Texas to total national sales. Incentives would be offered to industries locating in Texas. "If you locate in Texas," Stewart said, "you can charge off one-half of the ad valorem taxes paid to cities, counties, and school districts. The net effect will be this—corporations with business in Texas will be paying one-half the Texas rate as the competitor who locates in, say, Louisiana."

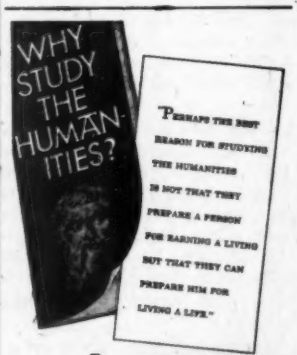
Stewart said he is still studying various natural gas taxes, the third part of his package, including Eckhardt's dedicated reserves tax. He wants an approach that is "clearly constitutional," he said.

Five General Choices

House liberals are also giving serious consideration to a "ton-mile equality tax" estimated to net $27 million. The tax would establish a formula by which large trucks would pay the same share of taxes, in proportion to weight, as passenger cars. Last session the weight limit on truck loads was substantially increased.

Rep. Charles Hughes, veteran House liberal from Sherman, has introduced abandoned properties legislation twice in the past and co-authored a bill in the '59 legislature. He said he would be "more than happy" to help handle it again, but he will leave the decision to the governor. "The rumor on the House floor," Hughes said, "is that one of the reasons the banks are fighting this measure so vehemently is that they may have something to fear if their abandoned accounts are gone into."

W.M.



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